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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/484,667	01/18/2000	D. Amnon Silverstein	10982103-1	9949

22879 7590 06/02/2005

HEWLETT PACKARD COMPANY  
P O BOX 272400, 3404 E. HARMONY ROAD  
INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER

HANNETT, JAMES M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/484,667	Applicant(s) SILVERSTEIN, D. AMNON	
	Examiner James M. Hannett	Art Unit 2612	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 11-21 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 41 is/are allowed.
- 6) ☒ Claim(s) 22, 23, 28, 31, 32, 37, 44-48, and 51 is/are rejected.
- 7) ☒ Claim(s) 24-27, 29, 30, 33-36, 38-40, 42, 43, 49, 50 and 52 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of the election of species requirement in the reply filed on 12/10/2004 is acknowledged. The traversal is on the ground(s) that Claims 16-19 and 21 be includes in Species I. This is not found persuasive because claims 16-19 and 21 have features that are not includes in the elected species.

The requirement is still deemed proper and is therefore made FINAL.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-52 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 1: Claims 22, 23, 28, 31, 32, 37, and 44-48 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,138,460 Egawa.
- 2: As for Claim 22, Egawa teaches on Column 7, Lines 9-33 and Column 5, Lines 25-30 and depicted in Figure 1 a process for a camera having a display (3), comprising: sensing motion of the camera (the value counted by the address counter as an amount of scroll); interpreting sensed motion of the camera as a user interface input (4 or 5); and presenting on the display (3) images superimposed on a scene viewed through the camera in accordance with the interpreted

Art Unit: 2612

user interface input. Egawa teaches the use of a camera that determines the location of a previously captured image and displays in on the display in accordance with the amount of scroll designated by a user. The camera then superimposes the image of the previously captured image with the current scene viewed by the camera on the display to allow a user to capture an image only when the overlapped region appears as if there is only one image.

3: In regards to Claim 23, Egawa teaches on Column 7, Lines 9-33 and Column 5, Lines 25-30 the interpreting step comprises determining a viewpoint (start and stop addresses) for displaying a region of a given image on the display (3) based on the sensed motion of the camera (amount of scroll). Egawa teaches that the amount of scroll designated by a user corresponds to the amount of movement; the size of the region of the first captured image will be varied base on the amount of scroll.

4: As for Claim 28, Egawa teaches on Column 7, Lines 15-33 and depicts in Figure 12 the sensing step comprises tracking motion of the camera. Egawa teaches the initial frame and the next frame to be captured are superimposed on the display. Egawa teaches that a user can track the accuracy of the overlapped images by viewing the superimposed image on the display and taking the picture only when the duplicate portions precisely overlap each other so that the image of the preceding frame becomes invisible. This is viewed by the examiner as tracking motion of the camera.

5: In regards to Claim 31, Egawa teaches on Column 7, Lines 9-33 and Column 5, Lines 25-30 and depicted in Figure 1 a camera, comprising: a display (3); a motion sensor configured to sense motion of the camera (the circuitry that tracks the value counted by the address counter as an amount of scroll is viewed as the motion sensor circuitry); and circuitry configured to

Art Unit: 2612

interpret sensed motion of the device as a user interface input (4 and 5) and to present on the display (3) images superimposed on a scene viewed through the camera in accordance with the interpreted user interface input. Egawa teaches the use of a camera that determines the location of a previously captured image and displays in on the display in accordance with the amount of scroll designated by a user. The camera then superimposes the image of the previously captured image with the current scene viewed by the camera on the display to allow a user to capture an image only when the overlapped region appears as if there is only one image.

6: As for Claim 32, Egawa teaches on Column 7, Lines 9-33 and Column 5, Lines 25-30 the interpreting step comprises determining a viewpoint (start and stop addresses) for displaying a region of a given image on the display (3) based on the sensed motion of the camera (amount of scroll). Egawa teaches that the amount of scroll designated by a user corresponds to the amount of movement; the size of the region of the first captured image will be varied base on the amount of scroll.

7: In regards to Claim 37, Egawa teaches on Column 7, Lines 15-33 and depicts in Figure 12 the sensing step comprises tracking motion of the camera. Egawa teaches the initial frame and the next frame to be captured are superimposed on the display. Egawa teaches that a user can track the accuracy of the overlapped images by viewing the superimposed image on the display and taking the picture only when the duplicate portions precisely overlap each other so that the image of the preceding frame becomes invisible. This is viewed by the examiner as tracking motion of the camera.

8: As for Claim 44, Egawa teaches on Column 7, Lines 9-33 and Column 5, Lines 25-30 and depicted in Figure 1 a process for a camera having a display (3), comprising: sensing motion

Art Unit: 2612

of the camera (the value counted by the address counter as an amount of scroll); interpreting sensed motion of the camera as a user interface input (4 and 5); and presenting images on the display (3) in accordance with the interpreted user interface input, wherein presenting comprises presenting different portions of a virtual panoramic in the display in accordance with the interpreted user interface input, wherein the vertical panorama is composed of multiple images captured by the camera. Egawa teaches the use of a camera that determines the location of a previously captured image and displays in on the display in accordance with the amount of scroll designated by a user. The camera then superimposes the image of the previously captured image with the current scene viewed by the camera on the display to allow a user to capture an image only when the overlapped region appears as if there is only one image in order to form a panoramic image.

9: In regards to Claim 45, Egawa teaches on Column 7, Lines 9-33 and Column 5, Lines 25-30 and depicted in Figure 1 a process for a camera having a display (3), comprising: sensing motion of the camera as a user interface input (the circuitry that tracks the value counted by the address counter as an amount of scroll is viewed as the motion sensor circuitry); presenting images on the display (3) in accordance with the interpreted user interface input; and selecting a portion of a scene through the camera based on the interpreted user interface input. Egawa teaches the use of a camera that determines the location of a previously captured image and displays in on the display in accordance with the amount of scroll designated by a user. The camera then superimposes the image of the previously captured image with the current scene viewed by the camera on the display to allow a user to capture an image only when the overlapped region appears as if there is only one image in order to form a panoramic image.

Art Unit: 2612

10: As for Claim 46, Egawa teaches on Column 3, Lines 1-27 wherein the selecting the scene portion comprises designation boundaries of a region of a scene (image address generating device).

11: In regards to Claim 47, Egawa teaches on Column 3, Lines 1-27 storing the designated region boundaries (image addresses) in the camera.

12: As for Claim 48, Egawa teaches on Column 7, Lines 9-33 and Column 5, Lines 25-30 and depicted in Figure 1 a process for a camera having a display (3), comprising: sensing motion of the camera (the circuitry that tracks the value counted by the address counter as an amount of scroll is viewed as the motion sensor circuitry); interpreting sensed motion of the camera as a user interface input (4 and 5); presenting images on the display in accordance with the interpreted user interface input; and modifying a captured image in response the interpreted user interface input. Egawa teaches the use of a camera that determines the location of a previously captured image and displays in on the display in accordance with the amount of scroll designated by a user. The camera then superimposes the image of the previously captured image with the current scene viewed by the camera on the display to allow a user to capture an image only when the overlapped region appears as if there is only one image in order to form a panoramic image.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2612

**13:** Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,138,460 Egawa.

14: In regards to Claim 51, Egawa teaches the claimed invention as discussed in Claim 22, However, Egawa does not teach the use of automatically recording time of day and geographic location data with each picture captured by the camera.

Official notice is taken that it was well known in the art at the time the invention was made to allow users of digital cameras to record recording time of day and geographic location data with each picture they capture on digital cameras in order to allow the users to remember in the distant future when and where the pictures were taken.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of recording time of day and geographic location data with each picture in the camera of Egawa in order to allow the users to remember in the distant future when and where the pictures were taken.

***Allowable Subject Matter***

15: Claims 1-10, and 41 are allowed.

16: Claims 24-27, 29, 30, 33-36, 38-40, 42, 43, 49, 50, 52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach the process of maintaining the position of the cursor fixed in the display while repositioning the icons in the display in a direction opposite to the sensed motion of the camera. Furthermore, the prior art does not teach.



***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

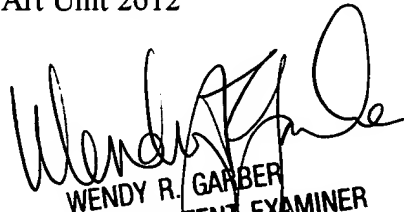
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett  
Examiner  
Art Unit 2612

JMH  
May 30, 2005

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600